

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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*Harbinger F&G, LLC*

Plaintiff(s),

-v-

*OM Group (UK) Limited*

Defendant(s).  
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No. 12 Civ. 5315 (RA)

CASE MANAGEMENT PLAN AND  
SCHEDULING ORDER

RONNIE ABRAMS, United States District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby adopts the following Case Management Plan and Scheduling Order:

1. All parties (consent) (do not consent) to disposition of this case by a United States Magistrate Judge. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. *[Please circle one. If all consent, the remainder of the Order need not be completed at this time.]*
2. This case (is) (is not) to be tried to a jury. *[Please circle one.]*
3. No additional parties may be joined after Dec. 14, 2012 without leave of the Court.
4. No additional causes of action or defenses may be asserted after Dec. 1, 2012 without leave of the Court.
5. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed no later than Sept. 26, 2012. *[Absent exceptional circumstances, within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f).]*
6. All fact discovery is to be completed no later than March 1, 2013. *[A period not to exceed 120 days unless the case presents unique complexities or other exceptional circumstances.]*
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth

in ¶ 4 above.

- a. Initial requests for production of documents shall be served by Oct. 8, 2012
  - b. Interrogatories shall be served by Nov. 23, 2012
  - c. Depositions shall be completed by March 1, 2013
  - d. Requests to Admit shall be served no later than 3 weeks before trial
8. All expert disclosures, including reports, production of underlying documents, and depositions shall be completed by April 30, 2013. *[The parties shall be prepared to describe their contemplated expert discovery and the bases for their proposed deadlines at the initial conference.]*
  9. All discovery shall be completed no later than April 30, 2013
  10. The Court will conduct a post-discovery conference on May 3, 2013 at 10:00 am. *[To be completed by the Court.]* No later than one week in advance of the conference, the parties are to submit a joint letter updating the Court on the status of the case, including but not limited to whether either party intends to file a dispositive motion and what efforts the parties have made to settle the action.
  11. Counsel for the parties propose the following alternative dispute resolution mechanism for this case:
    - a. ☐ Referral to a Magistrate Judge for settlement discussions.
    - b. ☐ Referral to the Southern District's Mediation Program. *[Note that all employment discrimination cases, except cases brought under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq., are designated for automatic referral to the Court's Alternative Dispute Resolution program of mediation. Accordingly, counsel in such cases should select 11(b).]*
    - c. ☒ Retention of a private mediator.

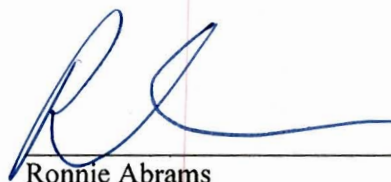
The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

12. The parties have conferred and their present best estimate of the length of trial is 3 to 5 days.

SO ORDERED.

Dated:

10/2/12  
New York, New York

  
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Ronnie Abrams  
United States District Judge